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RAJYA SABHA

The following Bill was introduced in the Rajya Sabha on the 12th September, 1958:—

BILL No. V OF 1958

.....

A Bill further to amend the Hindu Marriage Act, 1955.

Be it enacted by Parliament in the Ninth Year of the Republic of India as follows:—

1. This Act may be called the Hindu Marriage (Amendment) Short title.
Act, 1958.

25 of 1955. 2. In section 13 of the Hindu Marriage Act, 1955,—

Amendment
of section 13

(i) in sub-section (1),—

(a) the word “or” at the end of clause (vii) shall be omitted; and

(b) clauses (viii) and (ix) shall be omitted;

(ii) after sub-section (1), the following sub-section shall be inserted, namely:—

“(1A) Either the husband or the wife may also present a petition for the dissolution of his or her marriage by a decree of divorce on the ground—

(i) that there has been no resumption of cohabitation as between the parties to the marriage for a period of two years or upwards after the passing of a decree for judicial separation in a proceeding to which they were parties; or

(ii) that there has been no restitution of conjugal rights as between the parties to the marriage for a period of two years or upwards after the passing of a decree for restitution of conjugal rights in a proceeding to which they were parties.”.

STATEMENT OF OBJECTS AND REASONS

The right to apply for divorce on the ground that cohabitation has not been resumed for a space of two years or more after the passing of a decree for judicial separation, or on the ground that conjugal life has not been restored after the expiry of two years or more from the date of decree for restitution of conjugal rights should be available to both the husband and the wife, as in such cases it is clear that the marriage has proved a complete failure. There is therefore no justification for making the right available only to the party who has obtained the decree in each case. Hence the present Bill.

W. S. BARLINGAY.

S. N. MUKERJEE,
Secretary.